

**AMENDMENT**  
**OFFERED BY MR. GRIJALVA TO THE AMENDMENT**  
**IN THE NATURE OF A SUBSTITUTE OFFERED**  
**BY MR. WESTERMAN**

Strike section 202 and insert the following:

1 **SEC. 202. STRENGTHENING COMMUNITY PROTECTIONS**  
2 **UNDER THE NATIONAL ENVIRONMENTAL**  
3 **POLICY ACT.**

4 Title I of the National Environmental Policy Act of  
5 1969 (42 U.S.C. 4331 et seq.) is amended—

6 (1) in section 101(a)—

7 (A) by striking “man’s” and inserting  
8 “human”; and

9 (B) by striking “man” each place it ap-  
10 pears and inserting “humankind”;

11 (2) in section 102—

12 (A) by striking “The Congress authorizes  
13 and directs that, to the fullest extent possible:”  
14 and inserting “The Congress authorizes and di-  
15 rects that, notwithstanding any other provision  
16 of law and to the fullest extent possible.”;

17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

1 (I) by striking “insure” each  
2 place it appears and inserting “en-  
3 sure”; and

4 (II) by striking “man’s” and in-  
5 serting “the human”;

6 (ii) in subparagraph (C)—

7 (I) by striking clause (iii) and in-  
8 serting the following

9 “(iii) a reasonable range of alter-  
10 natives that—

11 “(I) are technically feasible,

12 “(II) are economically feasible,

13 and

14 “(III) where applicable, do not  
15 cause or contribute to adverse cumu-  
16 lative effects, including effects caused  
17 by exposure to environmental pollu-  
18 tion, on an overburdened community  
19 that are higher than those borne by  
20 other communities within the State,  
21 county, or other geographic unit of  
22 analysis as determined by the agency  
23 preparing or having taken primary re-  
24 sponsibility for preparing the environ-  
25 mental document pursuant to this

1 Act, except that where the agency de-  
2 termines that an alternative will serve  
3 a compelling public interest in the af-  
4 fected overburdened community with  
5 conditions to protect public health,”;  
6 and

7 (II) in clause (iv), by striking  
8 “man’s” and inserting “the human”;

9 (C) in subparagraph (E), by inserting  
10 “that are consistent with subparagraph (C)(3)”  
11 after “describe appropriate alternatives”; and

12 (D) in subparagraph (F), by striking  
13 “mankind’s” and inserting “humankind’s”; and  
14 (3) by adding at the end the following:

15 **“SEC. 106. DEFINITIONS.**

16 “In this Act:

17 “(1) EFFECT; IMPACT.—The terms ‘effect’ and  
18 ‘impact’ mean changes to the human environment  
19 from the proposed action or alternatives that are  
20 reasonably foreseeable and include the following:

21 “(A) Direct effects, which are caused by  
22 the action and occur at the same time and  
23 place.

24 “(B) Indirect effects, which are caused by  
25 the action and are later in time or farther re-

1 moved in distance, but are still reasonably fore-  
2 seeable. Indirect effects may include growth in-  
3 ducing effects and other effects related to in-  
4 duced changes in the pattern of land use, popu-  
5 lation density or growth rate, and related ef-  
6 fects on air and water and other natural sys-  
7 tems, including ecosystems.

8 “(C) Cumulative effects, which are effects  
9 on the environment that result from the incre-  
10 mental effects of the action when added to the  
11 effects of other past, present, and reasonably  
12 foreseeable actions regardless of what agency  
13 (Federal or non-Federal) or person undertakes  
14 such other actions. Cumulative effects can re-  
15 sult from individually minor but collectively sig-  
16 nificant actions taking place over a period of  
17 time.

18 “(D) Effects that are ecological (such as  
19 the effects on natural resources and on the  
20 components, structures, and functioning of af-  
21 fected ecosystems), aesthetic, historic, cultural,  
22 economic, social, health, whether direct, indi-  
23 rect, or cumulative. Effects may also include  
24 those resulting from actions which may have  
25 both beneficial and detrimental effects, even if

1           on balance the agency believes that the effects  
2           will be beneficial.

3           “(2) LIMITED ENGLISH PROFICIENCY.—The  
4           term ‘limited English proficiency’ means that a  
5           household does not have an adult that speaks  
6           English very well according to the United States  
7           Census Bureau.

8           “(3) LOW-INCOME HOUSEHOLD.—The term  
9           ‘low-income household’ means a household that is at  
10          or below twice the poverty threshold as that thresh-  
11          old is determined annually by the United States  
12          Census Bureau.

13          “(4) OVERBURDENED COMMUNITY.—The term  
14          ‘overburdened community’ means any census block  
15          group, as determined in accordance with the most  
16          recent United States Census, in which:

17                 “(A) at least 35 percent of the households  
18                 qualify as low-income households;

19                 “(B) at least 40 percent of the residents  
20                 identify as minority or as members of a Tribal  
21                 and Indigenous community; or

22                 “(C) at least 40 percent of the households  
23                 have limited English proficiency.

1           “(5) TRIBAL AND INDIGENOUS COMMUNITY.—

2           The term ‘Tribal and Indigenous community’ means

3           a population of people who are members of—

4                   “(A) a federally recognized Indian Tribe;

5                   “(B) a State-recognized Indian Tribe;

6                   “(C) an Alaska Native or Native Hawaiian

7           community or organization; or

8                   “(D) any other community of Indigenous

9           people located in a State.”.

